

DETAILED ACTION

Election/Restrictions

The amendment filed on 11-03-2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they do not pertain to, for example: generating game results regarding a number of games to be played; transmitting said game results to said personal gaming device; storing said game results at said personal gaming device; and executing game code at said personal gaming, said game code using said game results to present at least one game to said user of said personal gaming device, as originally cited in Claim 1. These limitations appeared to the examiner to be the heart of the previous Group I, represented by Claim 1 as originally presented. The claims also do not pertain to a financial server as cited in original Claim 9, or transmitting activation information to prevent unauthorized play of a gaming device as originally cited in Claim 13. Gaming session information is very broad and could conceivably be downloaded pools of outcomes like Claim 1, such as previously cited Walker ('640) or (Morris, 5,324,035 A; or Richardson, 5,042,809 A); or even authorization to play the game like Claim 13; or possibly centrally determined random numbers from a server such as Karmarkar (6,508,709 B1, Fig. 7, 13:49-14:10). The new independent claims, thus do not read on the invention as originally presented.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Newly submitted claims 45 to 82 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Present Claim 45 cites the steps: receive input from a first user for initiating a first wager-based gaming session at the gaming device; receive gaming session information from a first remote gaming server; initiate the first gaming session at the gaming device using at least a portion of the gaming session information; receive, after initiation of the first gaming session, first wager information relating to a first wager to be placed by the first user in connection with game play conducted at the gaming device during the first gaming session; and determine a game outcome for a wager-based game played at the gaming device during the first gaming session. These steps do not pertain to downloading game results to the portable gaming device, storing the game results on the portable gaming device, or executing the game at the portable gaming device, which appears to the examiner to be what original Group I as represented by original Claim 1 was doing as a whole. Amending the independent claims to this effect would most likely overcome this objection.

Also, the claims have not been examined or amended in light of the recent Bilski decision, which has come out since the last office action. While a formal Bilski 101

Art Unit: 3714

rejection is not done at this time, the examiner does not believe the claims as written comply with Bilski. Properly tying the steps of method Claim 77 and gaming device claims 45 (most of whose structure is defined by method steps), by citing, for example, accepting a wager from a player, via a bill/coin slot or credit/debit card reader, on a gaming device; accepting an input from a player to initiate a game via an input device on a gaming machine, such as a slot handle, touchscreen, keyboard, mouse, joystick, or trackball; manipulating the input in physical memory via a physical processor according to the rules of the game; displaying the game outcome to the player via an output device on the gaming device such as a screen; and remitting the player any award due to a winning game outcome, via a bill/coin hopper or credit/debit card writer, on a gaming machine. Such limitations would serve to tie the method steps to a specific apparatus by citing how the steps are performed by the structure of the apparatus, and would most likely overcome any Bilski deficiencies. Independent Claim 82 appears to be fine, since as a means-plus-function claim, its structure is defined by the corresponding limitations in the specification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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